

House Bill 1019 (AS PASSED HOUSE AND SENATE)

By: Representatives Day of the 163rd, Horne of the 71st, Neal of the 1st, Hanner of the 148th,
Chambers of the 81st, and others

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 8 of Title 35 of the Official Code of Georgia Annotated, relating to employment and training of peace officers, so as to enact the "TASER and Electronic Control Weapons Act"; to require training and certification for peace officers authorized to use TASERs or other similar electronic control weapons or devices; to provide for legislative intent; to require the adoption of written policies for those law enforcement agencies utilizing TASERs and other similar electronic control weapons and devices; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 8 of Title 35 of the Official Code of Georgia Annotated, relating to employment and training of peace officers, is amended by adding a new Code section immediately following Code Section 35-8-25 to read as follows:

"35-8-26.

(a) This Code section shall be known and may be cited as the 'TASER and Electronic Control Weapons Act.'

(b) It is the intent and purpose of the Georgia General Assembly to establish legal requirements for the official use of electronic control weapons and similar devices by law enforcement officers, including those officers employed in detention facilities, which requirements shall be consistent with generally accepted industry practices. It is the further intent of the General Assembly to require that such devices, commonly referred to as TASERs or stun-guns, which disrupt the central nervous system of the human body, be used for law enforcement purposes in a manner consistent with established standards and with federal and state constitutional provisions.

(c) A law enforcement unit authorizing the use of electronic control weapons or similar devices shall establish lawful written policies and directives providing for the use and

1 deployment of such weapons and devices that are consistent with the training requirements
2 established by the Georgia Peace Officer Standards and Training Council. The policies and
3 directives required by this subsection shall be issued prior to the issuance of such devices.

4 (d) Prior to the official use of electronic control weapons or similar devices, peace officers
5 authorized by the officer's law enforcement unit to use such devices shall be required to
6 satisfactorily complete a course of instruction and certification requirements approved by
7 the council. All persons certified to use electronic control weapons shall complete an
8 update or refresher training course of such duration and at such time as may be prescribed
9 by the council in order for their electronic control weapons certification to remain in force
10 and effect.

11 (e) A department head authorizing the use of an electronic control weapon or similar
12 device or a peace officer using an electronic control weapon or similar device in violation
13 of this Code section shall be subject to disciplinary action as provided for in this chapter.
14 The council is authorized to withdraw or suspend the certification to operate an electronic
15 control weapon of any person for failure to meet the update or refresher requirements
16 specified in this Code section or for violation of any portion of this chapter relating to
17 conditions which may lead to the withdrawal, suspension, or probation of a peace officer's
18 certification.

19 (f) The Georgia Public Safety Training Center shall provide council approved training to
20 peace officers for the use of electronic control weapons and similar devices."

21 **SECTION 2.**

22 This Act shall become effective on January 1, 2007, excepting that provisions applying to
23 council certification and provisions for training offered by the Georgia Public Safety
24 Training Center shall become effective six months after the effective date of an
25 appropriations Act containing a specific appropriation to fund certification by the council and
26 training by the center.

27 **SECTION 3.**

28 All laws and parts of laws in conflict with this Act are repealed.